REMARKS

Claim 1 was rejected under 35 USC § 112, paragraph one, for failing to comply with the enablement requirement.

"All that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. Further the scope of enablement must only bear a 'reasonable correlation' to the scope of the claims" (See MPEP 2164.08 citing In re Fisher 166 USPQ 18, 24 (CCPA 1970). "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation." (See MPEP 2164.01 citing United States v. Telectronics, Inc. 8 USPQ2d 1217, 1223 (Fed. Cir. 1988).

"Examiner must provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure." (See MPEP 2164.04 citing In Re Wright, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993).

Claim 1 provides a method of subjectively weighting a noise measurement for multiple video formats. The rejection has failed to provide a reasonable explanation as to how one reasonably skilled in the art would have been unable to make or use the invention. The background of the specification provides the frequency sensitive nature of making noise measurements, and goes on to explain that standards exist for filter specifications used in frequency rating for noise measurements of video in standard definition television. Reference is even made to a standards document CCIR Recommendation (Rec) 567-2, and more specifically to Fig. 22. It is clear from this description, that one reasonably skilled in the art would be able to make a weighting noise measurement for standard video. One reasonably skilled in the art of making video measurements, including video noise measurements, would understand how to determine the active line time, for standard definition and other video formats. The rejection does not question this. The rejection questions whether one skilled in the art would be able to determine a ratio. A ratio is illustrated in the examples as corresponding to the active line time for a standard definition, in this case NTSC, video divided by the active line time for another video format, such as HD. One reasonably skilled in the art would have little difficulty providing a means for dividing two measured values. One reasonably skilled in the art would understand multiple means using hardware, or software, to determine this ratio. Similarly, based upon the examples in the specification, the step of rescaling may be achieved by dividing the

standard time constant by the active line time ratio. Again this step of dividing, would not require undue experimentation by one reasonably skilled in the art. Furthermore, since one reasonably skilled in the art would understand how to use a weighted noise measurement for standard definition television, they would similarly understand how to use the method provided in claim 1, based upon their prior knowledge in combination with the description provided in the specification.

It is not necessary to comply with 35 U.S.C. 112, first paragraph, to "enable one of ordinary skill in the art to make and use a perfected, commercially viable embodiment absent a claim limitation to that effect." (See MPEP 2164). Where, as here, the level of ordinary skill in the art is sufficient to make and use a measurement using standard definition television, and the specification provides example of how to expand that measurement to apply to other video formats, one skilled in the art would be able to make and use the invention as claims. Accordingly, Applicant respectfully requests allowance of claim 1.

Conclusion

In view of the foregoing remarks, allowance of claim 1 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,

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